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FM AMEMBASSY KUALA LUMPUR
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0924
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 2534
RUEHNE/AMEMBASSY NEW DELHI 0768
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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [KDEM](#) [BM](#) [MY](#)
SUBJECT: DEMARCHE TO MALAYSIA: BURMA'S FLAWED
CONSTITUTIONAL REFERENDUM

REF: STATE 45471

Classified By: Political Section Chief Mark D. Clark for reasons 1.4 (b and d).

11. (C) Poloff met May 5 with the Malaysian Foreign Ministry's Southeast Asia and South Pacific Division chief Rahimi Harun to convey reftel points, emphasizing in particular the importance of ASEAN's role. Rahimi responded that the GOM had been pushing the regime &for years8 to expedite the process. Now that the junta had &moved forward8 to set in place a concrete timetable, the GOM could hardly turn around and condemn them. Poloff reiterated that an illegitimate referendum on a non-representative constitution would not move the process forward but if anything risks renewed instability.

12. (C) Rahimi argued that while the proposed constitution would prevent Aung San Suu Kyi from running, the NLD could still compete. The GOM, while sharing our objectives, viewed the situation in Burma more in terms of personalities than formal mechanisms. In Rahimi's view, due to their bitter personal animosity, Than Shwe would never free ASSK as long as he was in power, but accommodations probably would be possible once Than Shwe left the scene. Rahimi also argued that the NLD should explore alternatives to ASSK, less identified with the West and its pressuring, who may be more acceptable to the regime. While conceding that the proposed constitution was flawed, Rahimi thought it possible it could be amended over the next two years to be made more amenable to the opposition, especially if Tan Shwe were no longer around.

13. (C) Comment: Given the above perspectives, and ASEAN members, tradition of non-intervention in each other's internal affairs (to which Rahimi also alluded), we cannot expect any public criticism from the GOM on Burma's referendum process. Poloff therefore strongly urged that the GOM at least restrain from welcoming the results of the referendum exercise.

KEITH